HON'BLE SRI JUSTICE B. PRAKASH RAO

AND

HON'BLE SRI JUSTICE DR. G.YETHIRAJULU

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W.A. NO.1568 OF 2005

Date: 31st August 2005

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Between:

1. The Chief General Manager (Training and Education), The Singareni Collieries Company Limited, Kothagudem, Khammam District and others

Appellants/Respondents 1,2,4,19

and

1. Kodam Prabhakar, S/o K. Pochaiah, aged about 38 years, Secondary Grade Basic Trained Teacher, Singareni Collieries Company High School, Goleti , Goleti Township, Mandal: Rebbena, District, Adilabad.

Respondents/

Petitioners.

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JUDGMENT:

(per the Hon'ble Sri Justice B. PRAKASH RAO)

Heard both sides and at their request this appeal is taken up for disposal at the stage of admission.

The appellant, who is the Management, seeks to assail the order allowing the Writ Petition filed at the instance of the first respondent herein, wherein a direction was given to consider the case of the first respondent for promotion on par with un-official respondents with effect from 9.4.1992 for the post of Trained Graduate Assistant.

The main submission made on behalf of the appellant is that the question of considering the case under G.O.Ms.No. 40 dated 7.2.1992 does not arise, as the first respondent does not possess the necessary qualification.

On the other hand, the learned counsel appearing for the respondents submits that the first respondent is senior and he was a double graduate by the time the selections were taken place on 9.4.1989, therefore, the case of the first respondent ought to have considered.

Having regard to the facts and circumstances and also considering the submissions made, the learned Single Judge considered the case of the petitioner for promotion. In view of the same, it is always open for the appellant to take

appropriate action in accordance with law.

Having regard to the fact that the appellant has already passed orders, we do not find any merit in the appeal and accordingly, the Writ Appeal is dismissed. No order as to costs.

_____ B. PRAKAHS RAO,J

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DR. G. YETHIRAJULU, J

Dated: 31.08.2005

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